STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS001941

STATE OF NORTH CAROLINA

v.

JESSICA H. DOWLESS

INDICTMENT-

I. CONSPIRACY TO COMMIT FELONIOUS OBSTRUCTION OF JUSTICE
II. SWEARING FALSELY

I. The jurors for the State upon their oath present that on or between October 8, 2018 through October 26, 2018, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the

absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

II. The jurors for the State upon their oath present that on or between October 8, 2018 through October 23, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did falsely swear that a voter, including, but not limited to, Derrick Hendrix and Thomas G. Berry, had completed an absentee ballot, and signed the voter certification on the absentee ballot container in her presence, by signing the witness certification on the absentee ballot container envelope certifying as such. This act was done in violation of N.C.G.S. 163A-1389(2).

N. Lorrin Freeman
District Attorney

✓ Agent Scott Faircloth, SBI
Witness

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

✓ **A TRUE BILL** by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

____ **NOT A TRUE BILL.**

JUL 3 0 2019

Date

Grand Jury Foreman

FILED IN OPEN COURT
11-7-22 @ 10:56 am (YA)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS001941

STATE OF NORTH CAROLINA

v.

JESSICA H. DOWLESS

INFORMATION

I. CONSPIRACY TO COMMIT FELONIOUS OBSTRUCTION OF JUSTICE
II. SWEARING FALSELY
III. CONSPIRACY TO SWEAR FALSELY

I. I, the undersigned prosecutor, upon information and belief allege that on or between October 8, 2018 through October 26, 2018, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the

integrity of the absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

II. I, the undersigned prosecutor, upon information and belief allege that on or between October 8, 2018 through October 23, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did falsely swear that a voter, including, but not limited to, Derrick Hendrix and Thomas G. Berry, had completed an absentee ballot, and signed the voter certification on the absentee ballot container in her presence, by signing the witness certification on the absentee ballot container envelope certifying as such. This act was done in violation of N.C.G.S. 163A-1389(2).

III. I, the undersigned prosecutor, upon information and belief allege that on or between October 8, 2018 through October 23, 2018 in Bladen County the defendant named above unlawfully, willfully and feloniously did conspire to falsely swear that a voter, including, but not limited to, Derrick Hendrix and Thomas G. Berry, had completed an absentee ballot, and signed the voter certification on the absentee ballot container in her presence, by signing the witness certification on the absentee ballot container envelope certifying as such. This act was done in violation of N.C.G.S. 163A-1389(2).

N. Lorrin Freeman
District Attorney

WAIVER

I, the undersigned defendant, waive the finding and return into Court of a Bill of Indictment and agree that the case may be tried upon the above information.

Jessica Daulen
Signature of Defendant

Attorney for Defendant

11/7/22
Date

STATE OF NORTH CAROLINA

File No. 19CRS1941

WAKE County

In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name Of Defendant		
JESSICA DOWLESS		
DOB	Age 47	Highest Level Of Education Completed 9th

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: *Use this section **ONLY** when the Court is rejecting the plea arrangement.*
☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. *(Applies to plea arrangements disclosed on or after December 1, 2009.)*

Date	Name Of Presiding Judge (type or print)	Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to *Alford* decision ☐ no contest, and (3) offered the following answers to the questions set out below:

	Answers
1. Are you able to hear and understand me?	(1) Yes
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	(2) Yes
3. At what grade level can you read and write?	(3) Colleg
4. (a) Are you now using or consuming alcohol, drugs, narcotics, medicines, pills, or any other substances?	(4a) No
(b) When was the last time you used or consumed any such substance?	(4b) last night M
(c) How long have you been using or consuming this medication or substance?	(4c) —
(d) Do you believe your mind is clear, and do you understand what you are doing in this hearing?	(4d) Yes
5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	(5) Yes
6. (a) Have you and your lawyer discussed the possible defenses, if any, to the charges?	(6a) Yes
(b) Are you satisfied with your lawyer's legal services?	(6b) Yes
7. (a) Do you understand that you have the right to plead not guilty and be tried by a jury?	(7a) Yes
(b) Do you understand that at such trial you have the right to confront and to cross examine witnesses against you?	(7b) Yes
(c) Do you understand that by your plea(s) you give up these and other important constitutional rights to a jury trial?	(7c) Yes
8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law?	(8) Yes
☐ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that your probation is revoked?	(9) N/A
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal?	(10) Yes
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved?	(11) Yes

(Over)

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12. Do you understand that you are pleading ☒ guilty ☐ guilty pursuant to *Alford* ☐ no contest to the charges shown below? *(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)* (12) Yes

PLEAS

✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	F/M	CL.	‡Pun. CL.	Maximum Punishment
	G	19CRS1941	2	CONSPIRACY TO SWEAR FALSELY	10/8/2018-10/	163-275	M	1		120 DAYS

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty GA = *Alford* plea NC = No Contest

TOTAL MAXIMUM PUNISHMENT 120 DAYS

MANDATORY MINIMUM FINES & SENTENCES *(if any)*

✓ **NOTE TO CLERK:** *If this column is checked this is an added offense or reduced charge.*

‡ **NOTE:** *Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).*

13. Do you now personally plead ☒ guilty ☐ guilty pursuant to *Alford* ☐ no contest to the charges I just described? (13) Yes

14. ☒ (a) Are you in fact guilty? (14a) Yes

☐ (b) *(no contest plea)* Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty? (14b) _____

☐ (c) (Alford *guilty plea*)

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1) _____

(2) Do you understand that, upon your "*Alford* guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2) _____

☐ 15. *(Use if aggravating factors are listed below)* Have you admitted the existence of the following aggravating factors: (15) N/A

_____

_____

_____,

have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors?

☐ 16. *(Use if sentencing points are selected below)* Have you admitted the existence of the following sentencing points not related to prior convictions: ☐ offense committed while on supervised or unsupervised probation, parole, or post-release supervision ☐ offense committed while serving a sentence of imprisonment ☐ offense committed while on escape from a correctional institution, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with the appropriate notice about these sentencing points? (16) N/A

☐ 17. *(Use if No. 15 or 16 selected above)* Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors and any additional sentencing points not related to prior convictions that may apply to your case beyond a reasonable doubt, and that by your plea(s) you give up this constitutional right to a jury determination? (17) N/A

18. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case? (18) Yes

19. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval? (19) Yes

STATE VERSUS File No.

Name Of Defendant

20. Have you agreed to plead ☒ guilty ☐ guilty pursuant to *Alford* ☐ no contest as part of a plea arrangement? *(if so, review the terms of the plea arrangement as listed in No. 21 below with the defendant.)* (20) Yes

21. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

THE DEFENDANT IS SENTENCED TO 120 DAYS IN THE MISDEMEANOR CONFINEMENT PROGRAM WHICH SHALL BE SUSPENDED, WHILE THE DEFENDANT IS PLACED ON TWELVE MONTHS OF SUPERVISED PROBATION. AS A SPECIAL CONDITION OF PROBATION, THE DEFENDANT SHALL COMPLETE 100 HOURS OF COMMUNITY SERVICE AT A NON-PROFIT ORGANIZATION APPROVED BY THEIR PROBATION OFFICER. ADDITIONALLY, THE DEFENDANT SHALL TESTIFY TRUTHFULLY IF CALLED TO DO SO BY THE STATE AGAINST ANY CO-DEFENDANT(S). UPON SUCCESSFUL COMPLETION OF COMMUNITY SERVICE AND ABSENT ANY VIOLATIONS OF SUPERVISED PROBATION, THE DEFENDANT MAY BE TRANSFERRED TO UNSUPERVISED PROBATION WITHOUT OBJECTION FROM THE STATE.

☒ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.

☐ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

22. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (22) Yes

23. Do you now personally accept this arrangement? (23) Yes

24. *(Other than the plea arrangement between you and the prosecutor)* has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (24) No

25. Do you enter this plea of your own free will, and do you fully understand what you are doing? (25) Yes

26. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☐ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence? (26) No

27. Do you have any questions about what has just been said to you or about anything else connected to your case? (27) No

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date	Signature	Date / Signature Of Defendant
11-7-22		11/7/22

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

Name Of Defendant (type or print): Jessica Dowless

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date	Name Of Lawyer For Defendant (type or print)	Signature Of Lawyer For Defendant
11/7/22	Jackie Willingham	

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor
11/7/22	N WORRIN FREEMAN	

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(Over)

PLEA ADJUDICATION

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

1. There is a factual basis for the entry of the plea *(~~and for the admission as to aggravating factors and/or sentencing points~~)*;
2. The defendant is satisfied with ~~his~~/her lawyer's legal services;
3. The defendant is competent to stand trial;
4. ☐ The State has provided the defendant with appropriate notice as to the aggravating factors and/or points; ☐ The defendant has waived notice as to the aggravating factors and/or points; and
5. The plea *(~~and admission~~)* is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea *(~~and admission~~)* ~~is~~ hereby accepted by the Court and is ordered recorded.

Date	*Name Of Presiding Judge (type or print)*	*Signature Of Presiding Judge*
11/7/2022	Rebecca W. Holt	Rebecca W. Holt

SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)
19CRS1941	1	CONSPIRACY TO COMMIT OBSTRUCTION OF JUSTICE
	2	SWEARING FALSELY PURSUANT TO 163A-1389

DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT

File No.	Count No.(s)	Offense(s)

CERTIFICATION BY PROSECUTOR

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date	*Name Of Prosecutor (type or print)*	*Signature Of Prosecutor*
11/7/22	N WORRIN FREEMAN	

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STATE OF NORTH CAROLINA

File No. 19CRS1941

WAKE County

In The General Court Of Justice
☐ District ☐ Superior Court Division

STATE VERSUS

Name And Address Of Defendant
JESSICA KAREN DOWLESS
2766 TWISTED HICKORY RD

ELIZABETHTOWN NC 28337

Social Security No.	*SID No.*	

Race	*Sex*	*DOB*
WHITE	FEMALE	12/06/1973

WORKSHEET PRIOR RECORD LEVEL FOR FELONY SENTENCING AND PRIOR CONVICTION LEVEL FOR MISDEMEANOR SENTENCING
(STRUCTURED SENTENCING)

(For Offenses Committed On Or After Dec. 1, 2009)

G.S. 15A-1340.14, 15A-1340.21

I. SCORING PRIOR RECORD/FELONY SENTENCING

NUMBER	TYPE	FACTORS	POINTS
	Prior Felony Class A Conviction	X10	
	Prior Felony Class B1 Conviction	X 9	
	Prior Felony Class B2 or C or D Conviction	X 6	
	Prior Felony Class E or F or G Conviction	X 4	
2	Prior Felony Class H or I Conviction	X 2	4
2	Prior Class A1 or 1 Misdemeanor Conviction *(see note on reverse)*	X 1	2
		SUBTOTAL ▶	6

Defendant's Current Charge(s):
19CRS1941-CONSP TO COMMIT FELONY OBSTRUCTION OF JUSTICE (9999)
19CRS1941-SWEARING FALSELY (9999)

If all the elements of the present offense are included in any prior offense whether or not the prior offenses were used in determining prior record level.	+ 1	
If the offense was committed while the offender was: ☐ on probation, parole, or post-release supervision; ☐ serving a sentence of imprisonment; or ☐ on escape from a correctional institution. **NOTE:** *If part of a plea transcript, use form AOC-CR-300 ("Transcript Of Plea"), Nos. 16 and 17.*	+ 1	
County / *File No.* / *State (if other than NC)*		
	TOTAL ▶	6

II. CLASSIFYING PRIOR RECORD/CONVICTION LEVEL

MISDEMEANOR

NOTE: *If sentencing for a misdemeanor, total the number of prior conviction(s) listed on the reverse and select the corresponding prior conviction level.*

No. Of Prior Convictions	Level
0	I
1 - 4	II
5 +	III

PRIOR CONVICTION LEVEL ▶ III

☒ The Court has determined the number of prior convictions to be 7 and the level to be as shown above.

☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.

FELONY

NOTE: *If sentencing for a felony, locate the prior record level which corresponds to the total points determined in Section I above.*

Points	Level
0 -1	I
2 - 5	II
6 - 9	III
10 - 13	IV
14 - 17	V
18 +	VI

PRIOR RECORD LEVEL ▶ III

☐ The Court finds the prior convictions, prior record points and the prior record level of the defendant to be as shown herein.

☐ In making this determination, the Court has relied upon the State's evidence of the defendant's prior convictions from a computer printout of DCI-CCH.

☐ In finding a prior record level point under G.S. 15A-1340.14(b)(7), the Court has relied on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.

☐ The Court finds that all of the elements of the present offense are included in a prior offense.

☐ For each out-of-state conviction listed in Section V on the reverse, the Court finds by a preponderance of the evidence that the offense is substantially similar to a North Carolina offense and that the North Carolina classification assigned to this offense in Section V is correct.

☑ The Court finds that the State and the defendant have stipulated in open court to the prior convictions, points, and record level.

Date	*Name Of Presiding Judge (type or print)*	*Signature Of Presiding Judge*
11/7/2022	Rebecca W. Holt	Rebecca W. Holt

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III. STIPULATION

The prosecutor and defense counsel, or the defendant, if not represented by counsel, stipulate to the information set out in Sections I and V of this form, and agree with the defendant's prior record level or prior conviction level as set out in Section II based on the information herein.

Date	Signature Of Prosecutor	Date	Signature Of Defense Counsel Or Defendant
11/7/22		11/7/22	

IV. DNA CERTIFICATION
(For Offenses Committed On Or After Feb. 1, 2011)

A review of the case record (the form required by G.S. 15A-266.3A(c)) and the records of the State Bureau of Investigation (the DCI-CCH rap sheet) indicates that *(check one)*:

☒ 1. The defendant is **NOT** required to provide a DNA sample for this conviction because (i) the offense is not covered by G.S. 15A-266.4 or (ii) a sample of the defendant's DNA has previously been obtained and the defendant's DNA record is currently stored in the State DNA database.

☐ 2. The defendant **IS** required to provide a DNA sample for this conviction because (i) the offense is covered by G.S. 15A-266.4 and (ii) a sample of the defendant's DNA has not previously been obtained and the defendant's DNA record has not previously been stored in the State DNA Database, or if previously obtained and stored, the defendant's DNA sample and record have been expunged.

Date	Name Of Prosecutor (type or print)	Signature Of Prosecutor
11/7/22	N. LORRIN FREEMAN	

V. PRIOR CONVICTION

NOTE: *Federal law precludes making computer printout of DCI-CCH (rap sheet) part of permanent public court record.*

NOTE: *The only misdemeanor offenses under Chapter 20 that are assigned points for determining prior record level for felony sentencing are misdemeanor death by vehicle [G.S. 20-141.4(a2)] and, for sentencing for felony offenses committed on or after December 1, 1997, impaired driving [G.S. 20-138.1] and commercial impaired driving [G.S. 20-138.2]. First Degree Rape and First Degree Sexual Offense convictions prior to October 1, 1994, are Class B1 convictions.*

Source Code	Offenses	File No.	Date Of Conviction	County (Name Of State if not NC)	Class
4	MISDEMEANOR LARCENY (2322)	19CRS51170	08/17/2021	BLADEN	-
4	OBTAIN PROPERTY FALSE PRETENSE (2	19CRS51171	08/17/2021	BLADEN	-
4	POSS STOLEN GOODS/PROP (F) (2341)	19CRS51171	08/17/2021	BLADEN	H
4	ATT OBTAIN PROP FALSE PRETENSE (2(	18CRS50684	04/03/2019	BLADEN	-
4	POSS STOLEN GOODS/PROP (F) (2341)	18CRS50684	04/03/2019	BLADEN	H
4	MISDEMEANOR LARCENY (2322)	15CRS50912	04/04/2016	BLADEN	1
4	INJURY TO PERSONAL PROPERTY (2912	14CR50920	07/28/2014	BLADEN	?
4	EXPIRED REGISTRATION CARD/TAG (54(	10CR704136	06/24/2011	BLADEN	
4	MISDEMEANOR LARCENY (2322)	11CR721	05/02/2011	BLADEN	1
4	RECKLESS DRIVING TO ENDANGER (544	09CR50841	06/03/2009	BLADEN	
4	SPEEDING (5450)	04CR378	03/09/2004	BLADEN	

☐ See AOC-CR-600 Continuation for additional prior convictions.

Source Code: 1 - DCI 2 - NCIC 3 - AOC/Local 4 - AOC/Statewide 5 - ID Bureau 6 - Other

Date Prepared: 11/7/22

Prepared By: LORRIN FREEMAN

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STATE OF NORTH CAROLINA

WAKE County RALEIGH Seat of Court

File No. 19CRS001941 53

NOTE: *Use AOC-CR-310 for DWI offenses.*

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant		
DOWLESS,JESSICA,HALES		
Race	**Sex**	**Date Of Birth**
W	F	12/06/1975

JUDGMENT SUSPENDING SENTENCE - MISDEMEANOR PUNISHMENT: ☒ COMMUNITY ☐ INTERMEDIATE (STRUCTURED SENTENCING)
(For Offenses Committed On Or After Dec. 1, 2016)
G.S. 15A-1341, -1342, - 1343, -1343.2, -1346

Attorney For State		Attorney For Defendant		Crt Rptr Initials
NANCY L FREEMAN	☐ Def. Found Not Indigent ☐ Def. Waived Attorney	JACQUELYN WILLINGHAM	☒ Appointed ☐ Retained	MMF

The defendant was found guilty/responsible, pursuant to ☒ plea (☐ pursuant to *Alford*) (☐ of no contest) ☐ trial by judge ☐ trial by jury, of

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	CL.	*Pun. CL.
19CRS001941	53	CONSPIRACY TO SWEAR FALSELY	10/08/2018	163-275	1	

***NOTE:** *Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).*
The Court has determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be 07. **Level:** ☐ I (0) ☐ II (1-4) ☒ III (5+)

☐ 1. The Court finds: ☐ (a) enhancement for ☐ G.S. 90-95(e)(4) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 14-50.22 (gang misdemeanor).
☐ (b) enhancement from required suspended sentence to Class 2 misdemeanor. G.S. 90-95(e)(7).
This finding is based on a determination of this issue by the trier of fact beyond a reasonable doubt or on the defendant's admission.
☐ 2. The Court imposes mandatory punishment pursuant to G.S. 14-33(d) (assault in the presence of a minor).
☐ 3. The Court finds the above-designated offense(s) is a reportable conviction under G.S. 14-208.6 and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603D, Page Two, Side Two, and makes the additional findings and orders on the attached AOC-CR-615, Side Two.
☐ 4. The Court finds the above-captioned offense(s) involved the *(check all that apply)* ☐ physical or mental ☐ sexual abuse of a minor ☐ *(If No. 3 not found)* and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603D, Page Two, Side Two.
☐ 5. The Court finds this is an offense involving assault, communicating a threat, or an act defined in G.S. 50B-1(a), and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
☐ 6. The Court finds the above-designated offense(s) involved *(check one)* ☐ *(offenses committed Dec. 1, 2016 - Nov. 30, 2017)* criminal street gang activity ☐ *(offenses committed on or after Dec. 1, 2017)* criminal gang activity. G.S. 14-50.25.
☐ 7. The Court did not grant a conditional discharge under G.S. 90-96(a) because *(check all that apply)* ☐ the defendant refused to consent. ☐ the Court finds, with the agreement of the District Attorney, that the offender is inappropriate for a conditional discharge for factors related to the offense.
☐ 8. The Court finds that this was an offense involving child abuse or an offense involving assault or any of the acts as defined in G.S. 50B-1(a) committed against a minor. G.S. 15A-1382.1(a1).
☐ 9. The Court finds that the defendant refused to consent to conditional discharge under G.S. 14-204.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned for a term of 120 days in the custody of the: *(check only one)*
☐ Sheriff of _____ County. ☐ Other: _____.
☒ Misdemeanant Confinement Program *(sentences greater than 90 days for which a facility is not otherwise specified above).*

☐ This sentence shall run at the expiration of the sentence imposed in file number _____.

The defendant shall be given credit for 0 days spent in confinement prior to the date of this Judgment as a result of this/these charge(s), to be applied toward the ☐ sentence imposed above. ☐ imprisonment required for special probation set forth on AOC-CR-603D, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 12 months.
☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
☐ 2. The Court finds that it is NOT appropriate to delegate to the Section of Community Corrections the authority to impose any of the requirements in G.S. 15A-1343.2(e) for community punishment or G.S. 15A-1343.2(f) for intermediate punishment.
☐ 3. This period of probation shall begin ☐ when the defendant is released from incarceration ☐ at the expiration of the sentence in the case below.

File No.	Offense	County	Court	Date

☐ 4. The defendant shall comply with the conditions set forth in file number _____.
☐ 5. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee if placed on supervised probation above, pursuant to a schedule ☒ determined by the probation officer. ☐ set out by the court as follows: _____.

Costs	Fine	Restitution*	Attorney's Fees	Comm Serv Fee	EHA Fee	SBM Fee	Appt Fee/Misc	Total Amount Due
$ 393.50	$	$ 0.00	$ 390.00	$ 0.00	$ 0.00	$ 0.00	$ 75.00	$ 858.50

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.
☐ The Court finds just cause to waive costs, as ordered on the attached ☐ AOC-CR-618. ☐ Other: _____.
☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: *Any probationary judgment may be extended pursuant to G.S. 15A-1342.* The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device, or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court. (5) Submit to the taking of digitized photographs, including photographs of the defendant's face, scars, marks, and tattoos, to be included in the defendant's records.
If the defendant is on supervised probation, the defendant shall also: (6) Not abscond, by willfully avoiding supervision or by willfully making the defendant's whereabouts unknown to the supervising probation officer. (7) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (8) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (9) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (10) Submit at reasonable times to warrantless searches by a probation officer of the defendant's person and of the defendant's vehicle and premises while the defendant is present, for purposes directly related to the probation supervision, but the defendant may not be required to submit to any other search that would otherwise be unlawful. (11) Submit to warrantless searches by a law enforcement officer of the defendant's person and of the defendant's vehicle, upon a reasonable suspicion that the defendant is engaged in criminal activity or is in possession of a firearm, explosive device, or other deadly weapon listed in G.S. 14-269 without written permission of the court. (12) Not use, possess, or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors, or sellers of any such illegal drugs or controlled substances; and not knowingly be present at or frequent any place where such illegal drugs or controlled substances are sold, kept, or used. (13) Supply a breath, urine, or blood specimen for analysis of the possible presence of prohibited drugs or alcohol when instructed by the defendant's probation officer for purposes directly related to the probation supervision. If the results of the analysis are positive, the probationer may be required to reimburse the Division of Adult Correction and Juvenile Justice for the actual costs of drug or alcohol screening and testing.

☐ 14. The Court finds that the defendant is responsible for acts of domestic violence and therefore makes the additional findings and orders on the attached AOC-CR-603D, Page Two, Side Two.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

☐ 15. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.

☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.

☒ 17. Complete 0100 hours of community service during the first 365 days of the period of probation, as directed by the judicial services coordinator. The fee prescribed by G.S. 143B-708 is
☒ not due because it is assessed in a case adjudicated during the same term of court.
☐ to be paid ☐ pursuant to the schedule set out under Monetary Conditions above ☐ within _____ days of this Judgment and before beginning service.

☐ 18. Report for initial evaluation by _____, participate in all further evaluation, counseling, treatment, or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.

☐ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with _____. "Contact" includes any defendant-initiated contact, direct or indirect, by any means, including, but not limited to, telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____.

☐ 20. Abstain from alcohol consumption and submit to continuous alcohol monitoring for a period of _____ ☐ days, ☐ months, the Court having found that a substance abuse assessment has identified defendant's alcohol dependency or chronic abuse.

☒ 21. Other:
100 HRS COMMUNITY SERVICE TO BE COMPLETED AT A NONPROFIT OF DEF'S CHOICE, SO LONG AS PO APPROVES / WAIVE SUP FEES / TRANSFER PROB TO BLADEN CO / TESTIFY TRUTHFULLY IF CALLED UPON TO DO SO / ONCE CS COMPLETED AND IF DEF IS IN COMPLIANCE, TRANSFER TO UNSUP PROB

☐ 22. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603D, Page Two.

ORDER OF COMMITMENT/APPEAL ENTRIES

☒ 1. It is ORDERED that the Clerk deliver **two** certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

☐ 2. The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.

☐ 3. The current pretrial release order is modified as follows: _____.

☐ 4. The defendant gives notice of appeal from the judgment of the trial court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	*Name Of Presiding Judge (type or print)*	*Signature Of Presiding Judge*
11/07/2022	THE HONORABLE REBECCA W HOLT	Rebecca W. Holt

CERTIFICATION

I certify that this Judgment and attachment(s) marked below is a true and complete copy of the original which is on file in this case.

☐ 1. Appellate Entries (AOC-CR-350)
☐ 2. Judgment Suspending Sentence (AOC-CR-603D, Page Two) (additional conditions of probation)
☐ 3. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
☐ 4. Judicial Findings As To Required DNA Sample (AOC-CR-319)
☐ 5. Judicial Findings And Order For Sex Offenders - Suspended Sentence (AOC-CR-615, Side Two)
☐ 6. Convicted Sex Offender Permanent No Contact Order (AOC-CR-620)
☐ 7. Additional File No.(s) And Offense(s) (AOC-CR-626)
☐ 8. Other: _____.

Date	*Date Certified Copies Delivered To Sheriff*	*Signature Of Clerk*		
11/07/2022			☒ *Deputy CSC* ☐ *Asst. CSC* ☐ *Clerk Of Superior Court*	SEAL

Material opposite unmarked squares is to be disregarded as surplusage.